FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE.

CRIMINAL APPEAL NO. 1180 OF 2002

Office Notes, Office Memorada orders or directions and Registrar's orders.	Court's or Judge's Orders.
	Mrs. P.H.Kantharia APP for Appellant Ms. Deepa Sawant with G. Hiranandani and C.G.Gavnekar for respondent.

CORAM; V.G.PALSHIKAR Acg.C.J.&
SMT.NISHITA MHATRE,J.

DTAED: 28TH AUGUST, 2006.

P.C.

1. By this application, the State claims leave to appeal against the judgment of acquittal recorded by the learned Sessions Judge, Alibag in Sessions Case No. 91/2000. The learned Judge has observed on careful consideration of the records that though the death was caused due to burns, there was no cogent and relevant evidence to prove that it was a homicidal death. For coming to this conclusion, he has

placed reliance on the evidence of Chemical Analyser who examined the partially burnt cloth pieces as also burnt plastic pieces and according to him, the test for detection of kerozene residue was negative.

2. Apart from this, the medical officer who examined the deceased and conducted the post mortem, is not examined in the court. In such circumstances, no fault can be found with the order of acquittal. Hence leave is rejected.

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